

Montana "Buy Safe" Procurement Policy:

All contractors for state public works contracts, for both construction services and non-construction services, must demonstrate that the bidding contractor and all subcontractors performing work under the contract must individually meet one of the following four criteria:

(1) The contractor must furnish certification that the contractor's workers' compensation experience modification factor ("e-mod") average, as calculated by the National Counsel of Compensation Insurers ("NCCI") for the 3 year period immediately preceding the year of the bid submission is at or below 1. The certification must be provided by one of the following:

- (a) a certified public accountant;
- (b) an attorney at law; or
- (c) the insurance carrier, if the contractor is insured under compensation Plan No. 2 or Plan No. 3.

- OR -

(2) The contractor must furnish certification that the contractor's average Days Away, Restricted or Transferred case rate ("DART rate") for the 3 year period immediately preceding the year of the bid submission is not higher than either the national average or state average rate for the contractor's industry. The DART rate must be calculated from the incidents reported on the contractor's OSHA 300 logs, using the U.S. Department of Labor's Bureau of Labor Statistics' rate calculator. The certification must be provided by one of the following:

- (a) a certified public accountant; or
- (b) an attorney at law.

- OR -

(3) The contractor must furnish certification that each worker performing services under the contract has completed, prior to the start of the contractor's work on the project, OSHA's 10 hour safety training, and that each supervisor of on-site workers on the contract has completed OSHA's 30 hour safety training. The training completion cards are subject to inspection and verification at the job worksite by the Montana Department of Labor and Industry or by the state agency that has awarded the contract. The fact that a worker holds a Montana Independent Contractor Exemption Certificate ("ICEC") does not exempt that individual from the safety training requirement. The certification must be provided by one of the following:

- (a) a certified public accountant; or
- (b) an attorney at law.

- OR -

(4) The contractor has obtained a comprehensive safety consultation from the Montana Department of Labor and Industry within 1 year of the bid submission.

(MEC edits, July 20, 2016)